

FILED
CLERK OF COURT
FEB 28 2006
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Nadine J. Griffin,

Accused, Belligerent Claimant.

CASE NO. 05-CR-10175-WGY

**VERIFIED AFFIDAVIT IN SUPPORT OF
MOVE FOR BILL OF PARTICULARS**

Nadine J. Griffin

1. Nadine J. Griffin declares and states as follows:
2. I am the accused Belligerent Claimant proceeding on her own behalf, hereinafter referred to as "Affiant" in the above-entitled action and competent to testify to the facts stated herein to wit:
3. That all statements made within this affidavit are true and correct not meant to mislead;
4. That Nadine J. Griffin exists as a Conscious Living, Breathing, Flesh and Blood Sentient Being; NOT a statutory person, persons, natural person, artificial person, individual, corporation, entity, or any other sub-status, fourth class citizen *ens legis* creation of any government, federal, state, local or otherwise;
5. That Affiant is unschooled in law, not an attorney or bar association member, and is attempting to defend and dispose of this action to the best of Affiant's ability with reliance

1 upon your statutes, codes, rules and regulations; including those relied upon by the plaintiff
2 and established by the Constitution of the United States of America, United States
3 Congress, and the United States Supreme Court;

4 6. That on or about July 13, 2005 Affiant was formally charged under cause number 05- CR-
5 10175-WGY for alleged violations of 26 U.S.C. § 7206, two counts of filing a false returns
6 for the tax years 1998 and 1999 (see **Exhibit A**);

7 7. That on or about September 27, 2005 Affiant was informed by judicial official and CEO
8 William G. Young that "I was taught as a judge that usually you deny a motion for a bill of
9 particulars. . . But I can't tell you how I would act on such a motion" (see hearing Transcript
10 dated September 27, 2005 **Exhibit B**, page 14 lines 3-4 and 10-11);

11 8. That on or about October 6, 2005, Affiant filed a Move for Bill of Particulars which was
12 **denied** on October 13, 2005 via Electronic Order by judicial official William G. Young
13 (see Docket Entry # 28 and Electronic Order **Exhibit C**);

14 9. That Affiant's Constitutional Rights under the Sixth Amendment guarantees Affiant "to be
15 informed of the nature and cause of the accusation" and to date; judicial official and CEO
16 William G. Young and Assistant United States Attorney Christopher Maietta have refused
17 to disclose such information;

18 10. That the charging instruments lack of information is in direct violation of Affiant's Sixth
19 Amendment Right of notice and opportunity to be heard, is intentionally ambiguous, alleges
20 nothing and fails to disclose any elements sufficient to support a cognitive cause of action –
21 prohibiting Affiant's ability to plead to the charges or prepare for a proper defense;

22 11. That the charging instrument is fundamentally defective as it fails to allege the statutory
23 elements of a crime, alleging no crime and is therefore insufficient on its face and fails to
24
25

1 state a cogent cause of action that implicates Affiant;

2 That Affiant is presently deprived of her ability to frame a defense due to the factual
3 insufficiency of the charging instrument allowing the plaintiff to maintain a tactical
4 advantage employing the object of surprise on the trial by not furnishing information which
5 Affiant requires respecting matters against which Affiant is called upon to defend;

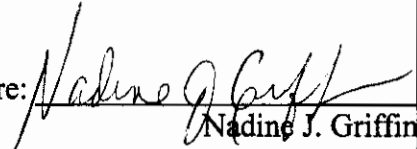
6 12. That Affiant has been and continues to be prejudiced by this Court's judicial officials and
7 their unwillingness to abide by the most fundamental principles of due process, protecting
8 their United States Plaintiff employer at every stage and without hesitation;

9 13. That the charging instrument is in direct violation of the Fifth, Sixth and Fourteenth
10 Amendments of the Constitution for the United States of America, for lack of due process,
11 fails to disclose the nature of the accusation and does not extend equal protection of the law
12 to Affiant in this instant matter;

13 14. That Affiant demands of a more definite statement that will fully disclose the elements of
14 the alleged violations Affiant is presumed to have committed to aid in the preparation of her
15 defense of this pending action in *qui tam*.

16 I, Nadine J. Griffin, declare under penalty of perjury as a Conscious, Thinking, Feeling,
17 Living, Breathing, Flesh and Blood Sentient Being that the foregoing is true and correct. All
18 Rights retained without recourse.

19 Executed this 28 day of February, 2006.

20
21
22 Signature: 
23 Nadine J. Griffin
24 C/o Center Street # 143
25 Wolfeboro, New Hampshire [03894]

NOTARY ACKNOWLEDGMENT

State of New Hampshire)
County of Carroll) subscribed and sworn

On this 27 day, of February, 2006 A.D., **Nadine J. Griffin** personally appeared, personally known to me, OR proved to me on the basis of satisfactory evidence to be the one whose name is subscribed to within this instrument and who did take an Oath.

Witness my hand and official seal.


Signature of Notary

My Commission Expires: _____

ATTACHMENTS:

EXHIBIT A: Copy of Indictment in 05-CR-10175-WGY

EXHIBIT B: Transcript dated September 27, 2005

EXHIBIT C: Docket Entry # 28 and Electronic Order

AFFIDAVIT IN SUPPORT
OF MOVE FOR BILL OF PARTICULARS

Nadine J. Griffin,
CASE NO. 1:05-CR-10175-WGY

EXHIBIT “A”
7 pages

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

NADINE J. GRIFFIN,)

Defendant.)

26 U.S.C. § 7206(1)

(Filing False Income Tax Returns)

CR-05-10175-WGY

INDICTMENT

The Grand Jury Charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

1. The defendant, NADINE J. GRIFFIN, is a United States Citizen and was a resident of Danvers, Massachusetts.
2. From in or about 1996 through at least 1999, defendant NADINE J. GRIFFIN was a salesperson for Global Prosperity.
3. Global Prosperity was an organization founded in 1996, which was in the business of selling a 12-part audiotape/compact disc series, as well as tickets to offshore seminars located in such places as Aruba and Cancun, Mexico. Global Prosperity was known by various names including Global Prosperity Marketing Group, the Global Prosperity Group, and the Institute of Global Prosperity (hereinafter referred to as "Global Prosperity").
4. As a salesperson for Global Prosperity, Nadine J. Griffin sold the following goods and services:

a. Global 1 (G1): a 12-part audiotape/compact disc series retail priced at \$1,250 per series.

b. Global 2 (G2): a seminar ticket to a three-day offshore seminar retail priced at \$6,250 per ticket.

c. Global 3 (G3): a seminar ticket to a five-day offshore seminar retail priced at \$18,750 per ticket.

5. Global Prosperity primarily marketed and sold its products through a network of distributors or salespersons modeled after the multi-level marketing design.

The Grand Jury further charges:

COUNT 1

26 U.S.C. § 7206(1)
(Filing False Income Tax Returns)

6. On or about July 30, 1999, in the District of Massachusetts, defendant NADINE J. GRIFFIN, who was a resident of Danvers, Massachusetts, did willfully make and subscribe a 1998 U.S. Individual Income Tax Return, Form 1040, for the calendar year 1998, which was verified by a written declaration that it was made under the penalties of perjury and which was filed with the Internal Revenue Service, and which said income tax return defendant NADINE J. GRIFFIN did not believe to be true and correct as to every material matter in that the said 1998 income tax return reported Schedule C gross receipts of \$31,348.01, whereas, defendant NADINE J. GRIFFIN then and there well knew and believed, that defendant failed and omitted to disclose on the said 1998 income tax return and attached Schedule C, or any other Schedule C, or otherwise, a substantial amount of gross receipts from her business activity as a salesperson for Global Prosperity.

All in violation of Title 26, United States Code, Section 7206(1).

The Grand Jury further charges:

COUNT 2

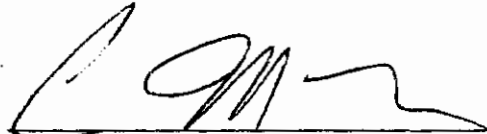
26 U.S.C. § 7206(1)


(Filing False Income Tax Returns)

7. On or about April 12, 2000, in the District of Massachusetts, the defendant NADINE J. GRIFFIN, who was a resident of Danvers, Massachusetts, did willfully make and subscribe a 1999 U.S. Individual Income Tax Return, Form 1040, for calendar year 1999, which was verified by a written declaration that it was made under the penalties of perjury and which was filed with the Internal Revenue Service, and which said income tax return defendant NADINE J. GRIFFIN did not believe to be true and correct as to every material matter in that the said 1999 income tax return reported Schedule C gross receipts of \$30,127.00, whereas, defendant NADINE J. GRIFFIN then and there well knew and believed, that defendant failed and omitted to disclose on the said 1999 income tax return and attached Schedule C, or any other Schedule C, or otherwise, a substantial amount of gross receipts from her business activity as a salesperson for Global Prosperity.

All in violation of Title 26, United States Code, Section 7206(1).

A TRUE BILL


FOREPERSON OF THE GRAND JURY


CHRISTOPHER MAIETTA
ASSISTANT U.S. ATTORNEY *True Atty, DOJ Hon. D.*

DISTRICT OF MASSACHUSETTS; July ^{13 (ABC)} 12, 2005.

Returned into the District Court by the Grand Jurors and filed.


DEPUTY CLERK

12:49 P

JS 45 (5/97) - (Revised USAO MA 6/29/04)

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: District of Mass. Category No. II Investigating Agency IRS/CICity Boston Related Case Information:

County Suffolk Superseding Ind./ Inf. _____ Case No. _____
 Same Defendant _____ New Defendant _____
 Magistrate Judge Case Number _____
 Search Warrant Case Number _____
 R 20/R 40 from District of _____

Defendant Information:Defendant Name Nadine J. Griffin Juvenile ☐ Yes ☒ No

Alias Name _____

Address Seminole, FLBirth date (Year only): 1960 SSN (last 4 #): 2839 Sex F Race: Caucasian Nationality: U.S. Citizen

Defense Counsel if known: James Krasnoo Address: 23 Main Street, Terrace Level
Andover, Mass.

Bar Number: _____

U.S. Attorney Information:AUSA Christopher J. Maietta Bar Number if applicable N/AInterpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☐ Yes ☒ No
☐ Warrant Requested ☒ Regular Process ☐ In Custody
Location Status:

Arrest Date: _____

☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony _____

Continue on Page 2 for Entry of U.S.C. Citations



I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 7/13/05

Signature of AUSA:

AFFIDAVIT IN SUPPORT
OF MOVE FOR BILL OF PARTICULARS

Nadine J. Griffin,
CASE NO. 1:05-CR-10175-WGY

EXHIBIT "B"
2 pages

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Criminal No.
05-10175-WGY

* * * * *
UNITED STATES OF AMERICA
v.
NADINE J. GRIFFIN
* * * * *

SCHEDULING CONFERENCE
and **ARRAIGNMENT**

BEFORE: The Honorable William G. Young,
District Judge

APPEARANCES:

CHRISTOPHER J. MAIETTA, Trial Attorney,
U.S. Department of Justice, Tax Division,
601 D Street, NW, Room 7012, Washington, D.C.
20004, on behalf of the Government

NADINE J. GRIFFIN, Pro Se, 13799 Park
Boulevard North, #244, Seminole, Florida
33776-3402

1 Courthouse Way
Boston, Massachusetts

September 27, 2005

1 enough is to move for a bill of particulars.

2 **MS. GRIFFIN:** Uh-huh.

3 → **THE COURT:** I was taught as a judge that usually
4 you deny a motion for a bill of particulars. And today,
5 though you may quarrel with it, in this court especially we,
6 we have as good discovery rules for a defendant as any
7 court. And I expect those rules to be followed. And I,
8 myself, have become more interested in a motion for a bill
9 of particulars because of the complex sentencing laws of the
10 United States. But I can't tell you how I would act on such
11 a motion. And it looks to me, at quick glance, that the
12 indictment is fine.

13 **MS. GRIFFIN:** But there are no facts, your Honor,
14 there's no factual sufficiency to this indictment
15 whatsoever.

16 **THE COURT:** So you say, in a conclusory fashion.

17 **MS. GRIFFIN:** No, you --

18 **THE COURT:** I'm telling you it looks fine to me.

19 It does raise one question though. You understand,
20 Mr. Maietta, that in this session of the Court as part of
21 its standing orders, if you have any statutory enhancements,
22 any enhancements under the advisory sentencing guidelines,
23 those are to be set forth and proved at the time of trial.
24 So if there's a loss here, a tax loss to the government, or
25 however you would calculate the sentencing, that's going to

AFFIDAVIT IN SUPPORT
OF MOVE FOR BILL OF PARTICULARS

Nadine J. Griffin,
CASE NO. 1:05-CR-10175-WGY

EXHIBIT "C"
3 pages

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**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:05-cr-10175-WGY-ALL**

Case title: USA v. Griffin

Date Filed: 07/13/2005

Assigned to: Judge William G. Young

Defendant

Nadine J Griffin (1)

represented by **Nadine J Griffin**

13799 Park Blvd. North
#244
Seminole, FL 33776-3402
PRO SE

James B. Krasnoo
Krasnoo Klehm LLP
23 Main Street
Terrace Level
Andover, MA 01810
978-475-9955
Fax: 978-474-9005
Email: james@krasnoolaw.com
TERMINATED: 07/20/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

26;7206(1)-FILING FALSE INCOME TAX
RETURNS
(1-2)


Highest Offense Level (Opening)

Felony

Terminated Counts

Disposition

Disposition

10/06/2005	 <u>28</u>	MOTION for Bill of Particulars Under the Fifth and Sixth Amendment to the U.S. Constitution as to Nadine J Griffin. c/s(Bell, Marie) (Entered: 10/07/2005)
09/30/2005		Judge William G. Young : ElectronicORDER entered denying <u>27</u> Motion to Strike as to Nadine J Griffin (1). cc/cl. (Bell, Marie) (Entered: 10/03/2005)
09/27/2005		Motions terminated as to Nadine J Griffin: <u>25</u> MOTION to Dismiss on Speedy Trial filed by Nadine J Griffin,. (Smith, Bonnie) (Entered: 10/05/2005)
09/27/2005	<u>27</u>	MOTION to Strike <u>23</u> Opposition to Defendant's Response Date 9/6/05. as to Nadine J Griffin. c/s.(Bell, Marie) (Entered: 09/28/2005)
09/27/2005	<u>26</u>	DECLARATION in Support by Nadine J Griffin re <u>25</u> MOTION to Dismiss For Violation of the Sixth Amendment and Speedy Trial. c/s. (Bell, Marie) (Entered: 09/28/2005)
09/27/2005	<u>25</u>	MOTION to Dismiss For Violation of the Sixth Amendment to the Constitution and Speedy Trial as to Nadine J Griffin. c/s.(Bell, Marie) (Entered: 09/28/2005)
09/27/2005	<u>24</u>	Judge William G. Young : ElectronicORDER entered. SCHEDULING ORDER as to Nadine J Griffin Jury Trial set for 5/1/2006 09:00 AM in Courtroom 18 before Chief Judge William G. Young.Final Pretrial Conference set for 4/3/2006 02:00 PM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 09/28/2005)
09/27/2005		ElectronicClerk's Notes for proceedings held before Judge William G. Young :Defendant is present and is representing herself. The Court advises the defendant of the complexities of defending herself and inquires as to whether the defendant wants to continue representing herself. Defendant waives her right to counsel. Trial set for May 1, 2006. The Court Orders the time between 9/27/05 and 5/1/06 excluded. Defendant files a Motion to Dismiss the indictment. The Court Denies the motion as it applies to the Speedy Trial Act and takes Under Advisement the remainder of the motion. The Government has 14 days to file a response. Due to the Defendant objecting to a Magistrate Judge arraigning her, the Court arraigns the defendant and the Court enters a plea of Not Guilty for the defendant who refuses to answer. Scheduling Conference as to Nadine J Griffin held on 9/27/2005 Scheduling Order to issue. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 09/28/2005)
09/20/2005	<u>23</u>	United States' Opposition as to Nadine J Griffinre: <u>21</u> Response (Dated September 6, 2005. c/s. (Bell, Marie) (Entered: 09/21/2005)
09/12/2005	<u>22</u>	NOTICE OF HEARING as to Nadine J Griffin Scheduling Conference and Faretta hearing set for 9/27/2005 02:00 PM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 09/12/2005)
09/08/2005		Judge William G. Young : Electronic ORDER entered denying <u>6</u> Motion to Quash Indictment/Information as to Nadine J Griffin (1); denying <u>15</u> Motion to Vacate as to Nadine J Griffin (1). cc/cl. (Bell, Marie) (Entered: 09/08/2005)
09/06/2005	<u>21</u>	Response as to Nadine J Griffin to <u>20</u> Response to Motions filed by USA,and Objection to a Faretta Hearing Prior to Jurisdiction being Established. c/s. (Bell, Marie) (Entered: 09/08/2005)

11/15/2005		Judge William G. Young : Electronic ORDER entered granting <u>37</u> Motion to Travel as to Nadine J Griffin (1). cc/cl. (Bell, Marie) (Entered: 11/15/2005)
11/15/2005	<u>40</u>	NOTICE of Entrapment by Estoppel Defense by Nadine J Griffin. c/s. (Bell, Marie) (Entered: 11/15/2005)
11/15/2005	<u>39</u>	NOTICE of Alibi Defense by Nadine J Griffin. c/s. (Bell, Marie) (Entered: 11/15/2005)
11/12/2005	<u>38</u>	RESPONSE to Motion by USA as to Nadine J Griffin re <u>37</u> MOTION to Travel (Maietta, Christopher) (Entered: 11/12/2005)
11/04/2005	<u>37</u>	MOTION to Travel to New Hampshire as to Nadine J Griffin. c/s(Bell, Marie) (Entered: 11/10/2005)
10/28/2005	<u>36</u>	Response as to Nadine J Griffin: <u>31</u> Affidavit in Support of Motion filed by Nadine J Griffin,, <u>32</u> Affidavit filed by Nadine J Griffin,. (Maietta, Christopher) (Entered: 10/28/2005)
10/28/2005		Judge William G. Young : ElectronicORDER entered. as to Nadine J Griffin re <u>34</u> Reply to Response filed by Nadine J Griffin,, <u>35</u> Affidavit filed by Nadine J Griffin, "The motion to dismiss on the ground of violating the Speedy Trial Act is denied. Properly calculated, only 18 days have thus far elapsed under the Speedy Trial Act." (Smith, Bonnie) (Entered: 10/28/2005)
10/25/2005	<u>35</u>	Declaration of Nadine J. Griffin in Support <u>34</u> Reply to Response to Motion to Dismiss, filed by Nadine J Griffin, (Patch, Christine) (Entered: 10/25/2005)
10/25/2005	<u>34</u>	REPLY TO RESPONSE to Motion by Nadine J Griffin re <u>25</u> MOTION to Dismiss on Speedy Trial (Patch, Christine) (Entered: 10/25/2005)
10/24/2005	<u>33</u>	RESPONSE TO COURT ORDER by USA as to Nadine J Griffin (Maietta, Christopher) (Entered: 10/24/2005)
10/14/2005	<u>32</u>	AFFIDAVIT of Fact Regarding Hearing Before Judge William G. Young on 9/27/05 by Nadine J Griffin (Bell, Marie) (Entered: 10/17/2005)
10/14/2005	<u>31</u>	AFFIDAVIT in Support of <u>28</u> MOTION for Bill of Particulars by Nadine J Griffin (Bell, Marie) (Entered: 10/17/2005)
10/13/2005		Judge William G. Young : ElectronicORDER entered re: <u>28</u> Motion for Bill of Particulars as to Nadine J Griffin (1).MOTION ALLOWED TO THE EXTENT OF REQUIRING THE GOVERNMENT, WITHIN 10 DAYS OF THE DATE OF THIS ORDER, TO PARTICULARIZE ANY FACT WHICH IT CONTENTS WOULD RAISE THE BASE OFFENSE LEVEL OF THIS OFFENSE UNDER THE UNITED STATES SENTENCING GUIDELINES. MOTION OTHERWISE DENIED. cc/cl. (Bell, Marie) (Entered: 10/13/2005)
10/11/2005	<u>30</u>	RESPONSE to Motion by USA as to Nadine J Griffin re <u>25</u> MOTION to Dismiss on Speedy Trial (Maietta, Christopher) (Entered: 10/11/2005)
10/06/2005	<u>29</u>	AFFIDAVIT in Support by Nadine J Griffin re <u>28</u> MOTION for Bill of Particulars (Attachments: # <u>1</u> Exhibit)(Bell, Marie) (Entered: 10/07/2005)